

## **REMARKS**

Claims 2-6 and 8-19 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2, 3, 5, 6, 8, and 10-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leshner (U.S. Pat. No. 4,604,933, hereinafter "Leshner") in view of Mattes (U.S. Pat. No. 4,604,933), in further view of Kullmann et al. '296 (U.S. Pat. No. 5,425,296, hereinafter "Kullmann"). This rejection is respectfully traversed.

Claims 4 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leshner in view of Morris et al. (U.S. Pat. Publ. No. 2002/0194974) (hereinafter "Morris"). This rejection is respectfully traversed.

### **Claims 13 and 14**

At the outset, Applicants respectfully reiterate the arguments previously presented regarding the failure of the combination of Leshner, Mattes, and Kullman to teach the recited features of claims 13 and 14. In response to Applicants' previous arguments that Leshner teaches away from the modifications proposed by the Examiner, the Examiner indicates that "[c]hanging the dimensions of an insert does not teach away from either Mattes or Kullman as neither specifically state making the tooth structure non-symmetrical destroys the invention." Applicants assume the Examiner means Leshner and Kullman rather than Mattes and Kullman. Applicants respectfully disagree with the Examiner's implication that a reference must specifically state that a

modification destroys the invention disclosed therein in order for the reference to teach away from such a modification. However, Lesher does in fact indicate that symmetry of the saw blade is a part of the invention. Specifically, Lesher states “[i]n general, these and other objects of this invention that will appear as the description proceeds are achieved in the carbide tipped circular saw of this invention, ... which comprises a blade body that has an axis and a plane of symmetry normal to its axis.” (emphasis added) (col. 3, lines 60-66).

Regardless of whether Lesher specifically states that symmetry is essential to the invention disclosed therein, a symmetrical saw blade is disclosed therein. Lesher clearly states that “all teeth 8, 9 as well as the blade body 5 are symmetrical to a plane that is normal to the saw axis.” (col. 5, lines 23-24). Kullman similarly states that “[t]he design of each tooth 2 is designed symmetrically with respect to the longitudinal center plane 8, so that the phases 7 are provided symmetrically to the right and left of each tooth.” (col. 7, lines 16-19). Conversely, Mattes teaches non-symmetrical teeth. While the Examiner indicates that there must be some specific statement in Lesher or Kullman that making the blades disclosed therein non-symmetrical would destroy the invention in order for the combination of Lesher, Mattes, and Kullman to be improper, Applicants respectfully submit that this proposition is unfounded.

The Examiner’s sole motivation for the combination appears to be that “in order to reduce the cutting pressure acting on each individual tooth it is advantageous to make every other cutting tooth terminate on opposite sides of the saw blade.” Applicants fail to see how the cutting pressure acting on each individual tooth in the saw blade constructed by the Examiner is less than the cutting pressure acting on each

tooth in either Leshner or Kullman. As such, Applicants respectfully submit that the combination of Leshner, Mattes, and Kullman cited by the Examiner cannot be seen as properly teaching the limitations of claims 13 and 14.

Claims 2-6 and 15-17 depend from claim 13 and claims 8-12 and 18 depend from claim 14, and therefore should be in condition for allowance for the reasons set forth above. Therefore, reconsideration and withdrawal of the rejection of claims 2-6 and 8-18 are respectfully requested.

#### Claim 2

Applicants respectfully submit that the features of claim 2 are also not taught by the combination suggested by the Examiner. Claim 2 depends from claim 13 and therefore also includes "a first edge surface generally parallel to an axis of rotation of the annular body and extending to a first end of said cutting edge and terminating at said first side." This feature is clearly not shown in Figures 2, 3, and 5 of Leshner. Applicants respectfully submit that it is inappropriate for the Examiner to use Leshner to teach the location of the interface relative to sides of the insert when Mattes is being used to teach the first edge extending to a side of the insert. The Examiner is impermissibly picking and choosing among the elements of the references to create this rejection.

However, the Examiner notes that if Mattes were used to teach claim 2, "Figures 3-5 do show each interface is closer to one side of the annular body than the another side, and even though both are closer to one side of the annular body than the other one interface (between 10 and 14) is still closer to one side of the annular body than the adjacent interface (between 10a and 15) and therefore still reads on claim 2." Claim 2

recites "said cutting edge of each of said plurality of inserts includes an interface between said first edge surface and said second angled edge surface which is closer to one side of said annular body than a second side wherein the interface of adjacent ones of said plurality of inserts are closer to alternate sides of the annular body." Applicants fail to see how the construction by the Examiner teaches the limitation of claim 2.

The Examiner appears to admit that the interfaces of adjacent inserts in Mattes are closer to a first side of an annular body of the saw blade than a second side. However, the Examiner goes on to indicate that one interface is closer to the first side than the other insert. Claim 2 specifies that a first insert has an interface that is closer to a first side of the annular body than the second side and that a second insert adjacent to the first insert has an interface that is closer to the second side of the annular body than the first side. Therefore, as admitted by the Examiner, Mattes cannot be seen as teaching the limitations of claim 2. Rather, Mattes appears to teach away from the limitations of claim 2. As such, claim 2 appears to be in condition for allowance for these reasons in addition to those set forth above regarding claim 13.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the  
Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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